

March 14, 2012
Judiciary Committee Public Hearing

Testimony in SUPPORT of SB 280

Chairman Coleman, Chairman Fox, members of the Judiciary Committee:

My name is Peter Tsimbidaros and I am a criminal attorney from Bridgeport. I am here to urge repeal of the death penalty and passage of SB 280.

You may have seen in the news the story of two of my clients, George Gould and Ronald Taylor. They were wrongfully convicted of murdering a bodega owner, Eugenio DeLeon Vega, in New Haven in 1993.

George and Ronald spent more than 16 years in prison for a crime they did not commit.

They were finally exonerated and set free in 2010. At the hearing, Superior Court Judge Stanley Fuger Jr. said – and I quote – “a manifest injustice has been done to these two men. These cases, in fact, go way beyond ‘actual innocence.’ The criminal cases never should have been initiated in the first place!”

To Judge Fuger, it was clear from the new evidence presented that my clients were innocent:

- DNA evidence from an electrical cord used to bind the victim did not match George, Ronald, or the murdered bodega owner.
- Fingerprints found on the door handle of the safe did not match George, Ronald, or the murdered bodega owner.
- The state’s two key witnesses recanted their testimony and said they never saw George or Ronald commit the murder, but were coerced by police to fabricate testimony.
- In an audiotaped confession, a witness said that the real killer is the victim's son, a registered sex offender with six guns, including possibly the murder weapon.

George, Ronald, and their families were elated: we believed that their tragic odyssey through the criminal justice system was over. We were wrong.

After the exoneration, prosecutors should have investigated the errors and misconduct that led to George’s and Ronald’s wrongful conviction. For instance, the prosecution’s star witness was a drug-addicted prostitute who later testified that it was all a lie, that she never was at the scene of the murder, and that police gave her money for heroin, among other gifts, in exchange for her testimony.

Instead of investigating such misconduct, prosecutors dedicated themselves to overturning Judge Fuger's decision, while refusing to investigate an alternative suspect.

Unfortunately, they succeeded. The Connecticut Supreme Court overturned Judge Fuger's decision and ordered a new trial. I then had to do the most difficult thing in my life: tell George that he had to return to prison as we waited for a new trial. Ronald avoided a return to prison because he was weak from battling colon cancer, which took his life on October 25, 2011.

This case shows how the criminal justice system can fail us. We live under the mistaken impression that, with DNA and other advances in technology, wrongful convictions will be uncovered and the innocent released. That is not always the case.

In many cases there is no physical evidence available to test, leaving the wrongfully convicted with no way to prove their innocence. DNA evidence is available in only 10% of criminal cases. And even when physical evidence shows someone to be innocent – as in my clients' case – prosecutors often challenge new evidence and refuse to test it, so they can avoid admitting that they made a mistake.

Our criminal justice system makes mistakes, and in such a system the death penalty has no place. We may have DNA technology, but that cannot always solve the old-fashioned problem of police and prosecutorial misconduct. Connecticut needs to end the death penalty and make sure it never makes the tragic mistake of sending an innocent person to death row.

Thank you.

Peter Tsimbidaros

Bridgeport, CT